

**Vistra Corp.'s Comments on Illinois Power Agency  
Request for Stakeholder Feedback on Waiver for Minimum Equity Standard  
Requirements**

Vistra Corp. (Vistra), on February 22, 2023, is pleased to submit comments provided in this document on the Illinois Power Agency's (IPA) request for stakeholder feedback on waiver for minimum equity standard requirements for entities that have received a REC contract award under IPA procurements. Vistra appreciates the opportunity to offer comments and the IPA's ongoing management of such procurements, hard work, and consistent efforts to improve the procurement process and diversity as Illinois transitions forward with regards to energy policy.

Vistra's point of contact for any questions concerning these comments is:

Jeffrey Ferry  
Senior Director Government Affairs



Vistra's answers below are limited to those questions where Vistra desired to provide a response with all other IPA questions deleted.

**Minimum Equity Standard (MES) Waiver Request  
HHW Comments**

**Questions Regarding Waiver Structure for Feedback**

*Timing of Waiver Requests*

1. The Agency seeks feedback on whether there should be specific time periods during which AVs and Designees may request a waiver, or whether the Agency should accept waiver requests on a rolling basis. Specifically, the Agency would like insight into the following relevant factors:

a. Do developers rely on long-term employees or contracted individuals for single projects?

Vistra Response: Both as needed.

b. When using contracted individuals, how far in advance do project developers or their subcontractors hire the project installers and other employees required for project development? Does that vary across project types, and if so, how?

Vistra Response: We hire as needed; The timing varies by type of work and project needs – after project approval is gained, we may have very little time before initial civil work. However, there may be more time for other trades that are engaged later in process, like

electrical. Preliminary, non-binding arrangements with these contractors may be negotiated while determining cost of project during project development phase.

c. If the Agency accepts waiver requests on a rolling basis, how much lead time would developers require for a response on the waiver request in the event that the request is denied, and they must still comply with the MES?

Vistra Response: 4 months.

d. To what extent do developers know how many projects they will be working on in a given program year?

Vistra Response: We develop a long-term forecast (5 years) annually but adjust quarterly or as needed.

e. At what point would a developer know that compliance with the MES is not possible on a particular project?

Vistra Response: We typically know before project starts if it definitely CANNOT meet the requirements, but due to EEC's and EEP's availability, our ability to comply may change during the course of a project as well.